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REGULATIONS FOR CLASSIFICATION, DECLASSIFICATION, AND SAFEGUARDING CLASSIFIED INFORMATION



UNITED STATES DEPARTMENT OF AGRICULTURE

**United States
Department of
Agriculture**



National Agricultural Library

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CHAPTER 1

101 FOREWORD

The interests of the United States and its citizens are best served by making information regarding the affairs of Government readily available to the public. This concept of an informed citizenry is reflected in the Freedom of Information Act and in the current public information policies of the executive branch as prescribed in Executive Order 11652.

Within the Federal Government, however, there is some classified material and information which, because it bears directly on the effectiveness of our national security and the conduct of our foreign relations, must be safeguarded for the security of the United States and the safety of our people and our allies. To protect against actions hostile to the United States, of both an overt and covert nature, it is our duty, both as USDA employees and as citizens, that such classified material and information be given only limited dissemination. Such classified material and information is expressly exempted from public disclosure by Section 552(b) (1) of Title 5, United States Code.

To ensure that such classified material and information is safeguarded, but only to the extent and for such period as is necessary, this Handbook identifies the material to be safeguarded, prescribes classification, downgrading, declassification, and safeguarding procedures to be followed, and establishes a monitoring system to ensure its effectiveness.

The regulations set forth in this Handbook are intended to achieve a coordinated and uniform policy throughout USDA in the classification, declassification, and safeguarding of classified material. The regulations apply to all classified material in the custody of USDA regardless of whether the material was originated within USDA or released to it. This Handbook supersedes the "Records Security Regulations" Handbook issued in 1971.

102 SCOPE

All employees of USDA who have been cleared for access to classified material and information, including individuals serving in an advisory or consultative capacity, are subject to the regulations and procedures set forth herein. Failure on the part of the employee of USDA to observe these regulations constitutes grounds for disciplinary action, including dismissal. The regulations of this Handbook are applicable to TOP SECRET, SECRET, and CONFIDENTIAL material and information. USDA personnel entrusted with classified material and information furnished by a foreign government or by international past

organizations are cautioned to contact the Department Security Officer for details concerning specialized security requirements.

103 DEFINITIONS

For the purposes of this Handbook, the following definitions of terms shall apply. (In addition to the terms explained below, other terms commonly used in the Department of Defense Industrial Security Program are explained in the Industrial Security Manual for Safeguarding Classified Information DOD5220.22M).

- A -

Access - "Access" is the ability and opportunity to obtain knowledge of classified information. An individual has access to classified information if he is permitted to gain knowledge of information, or if he is in a place where he is expected to gain knowledge. An individual does not have "access" to classified information by being in a place where classified information is kept if security measures prevent him from gaining knowledge of the information.

Agency Classified Material Control Officer - The Security Officer of an Agency in the National Headquarters.

Authorized Individuals - Those persons who have a need-to-know for the classified information involved, and who have been determined to be trustworthy by the Department Security Officer.

- B -

Bound Documents - Books or pamphlets the pages of which cannot be removed without damage or mutilation; they must be served and have the glued binding common to the art of book binding. A bound document does not include those documents fastened only with staples, brads, or other commercial paper fasteners.

- C -

Classification - The determination that official information requires, in the interest of national security, a specific degree of protection against unauthorized disclosure, coupled with a designation signifying that such a determination has been made.

Classified Information - Official information which has been determined to require, in the interest of national security, protection against unauthorized disclosure and which has been so designated.

Classify - To apply appropriate classification.

Clearance - An administrative determination under the provisions of DPM 732 by competent authority that an individual has been adjudged eligible for access to classified information of a specified category should his duties so require.

Compromise - A breach of security which results from an unauthorized person obtaining knowledge of classified information.

COSMIC - The word COSMIC is not a classification, but is rather a special marking of a NATO document, indicating specific procedures for handling and dissemination.

Custodian - An individual who has possession or is otherwise charged with the responsibility for safeguarding and accounting for classified material.

- D -

Declassification - The determination that classified information no longer requires, in the interest of national security, any degree of protection against unauthorized disclosure, coupled with a removal or cancellation of the classification designation.

Declassify - To cancel the security classification of an item of classified material.

Derivative Classification - That requirement to classify material created as a result of, in connection with, or in response to the existing material, dealing with the same subject which already bears a classification.

Disclosure - An officially authorized release or dissemination by competent authority whereby the information is furnished to a specific individual, group, or activity.

Disseminate - To furnish classified material under continued control of the U.S. Government to persons having a proper clearance and a "need-to-know," e.g. to another U.S. Government agency or Department or to a contractor.

Document - Any recorded information regardless of its physical form or characteristics including, but not limited to, the following: All written material, whether hand written, printed, or typed; all painted, drawn, or engraved material; all sound or voice recordings; all printed photographs and exposed or printed film, still or motion pictures; and all reproductions of the foregoing, by whatever process reproduced.

Downgrade - To determine that classified information requires, in the interest of national security, a lower degree of

protection against unauthorized disclosure than currently provided, coupled with a changing of the classification designation to reflect such lower degree.

Downgrading - The assigning of a lower classification than that previously assigned.

- F -

Foreign National - Any person not a U.S. Citizen or U.S. National. For the purposes of this regulation American citizens representing foreign governments, foreign private interests, or other foreign nationals are considered to be foreign nationals.

For Official Use Only (FOUO) - Official information which requires protection in accordance with statutory requirements or in the public interest, but which is not within the purview of the rules for safeguarding information in the interest of national security. Such information is not within the purview of this regulation.

- I -

Information - Knowledge which can be communicated by any means.

Industrial Security - That portion of industrial security which is concerned with the protection of classified information in the hands of U.S. industry.

Intelligence - The product resulting from the collection, evaluation, analysis, integration, and interpretation of all available information which concerns one or more aspects of foreign nations or of areas of foreign operations, and which is immediately or potentially significant to military planning and operations.

Inventory - A procedure employed to verify accountability of classified material by comparing entries on the register against the document or entry on the record of destruction or a signed receipt.

- M -

Material - Any document, product, or substance on or in which information may be recorded or embodied.

Materiel - Any article, product, substance, or apparatus from which information may be obtained. It comprises military arms, armament, and equipment, both complete and in process of research, development, experimentation, and construction, and includes element, components, accessories, models, fixtures, mockups, jigs, and dies associated therewith.

NATO - (North Atlantic Treaty Organization) - The word NATO is a marking, which when applied to a document, signifies:

- (a) That the document is the property of NATO and
- (b) That the document, if bearing a security classification, is subject to the security protection as required by the United States Authority.

Need-to-know - A term given to the requirement that the dissemination of classified information be limited strictly to those persons whose official or other governmental duties require knowledge or possession thereof. No person is entitled to knowledge or possession of classified information solely by virtue of his grade, office, or security clearance. Responsibility for determining whether a person's duties require that he possess or have access to classified information and whether he is authorized to receive it rests upon each individual who has possession, knowledge, or control of the information involved and not upon the prospective recipient. This principle is applicable whether the prospective recipient is an individual, a contractor, another Federal agency, or a foreign government. A "need-to-know" is recognized as established when a disclosure is necessary in the interest of national security; there clearly appears from the position, status, duties and responsibilities a legitimate requirement that he must have access to the classified information in order to carry out his assigned duties and responsibilities; and the applicant is or can be appropriately cleared for access to the degree of classified information involved and is capable both physically and mentally of providing the degree of protection which that information requires. Every effort will be made to keep responsible officials informed. Security carried to such an extreme that vital information is withheld unnecessarily defeats the purpose for which classified matter was originated.

Official Information - Information which is owned by, produced by or is subject to the control of the United States Government.

Original Classification Authority - That authority required to classify independently any type of material.

Originator - The individual or employee by whose authority an item of information is created or disseminated.

- R -

Regrade - To determine that certain classified information requires, in the interest of national security, a higher or lower degree of protection against unauthorized disclosure than currently provided, coupled with a changing of the classification designation to reflect such higher or lower degree.

Release - Passage of information to another individual or agency by any means.

RESTRICTED DATA - That data which is defined in Section 11(y) of the Atomic Energy Act of 1954, as amended as "all data concerning: (1) Design, manufacture or utilization of atomic weapons, (2) the production of special nuclear material, or (3) the use of special nuclear material in the production energy, but not to include data declassified or removed from RESTRICTED DATA category pursuant to Section 142."

- S -

Secure Room - A room that offers the same or greater security than a security container authorized for the storage of classified material through the use of guards, alarms or locking devices.

Security - The protected conditions of classified matter which prevents unauthorized persons from obtaining information of direct or indirect value. It is a condition resulting from the establishment and maintenance of protective measures which insure a state of inviolability from hostile acts or influences.

Short Title - A designation applied to a classified document, project, material, or device for purposes of security and brevity. It consists of figures, letters, words, or combinations, thereof, without giving any information relative to classification or content of the document, material, project, or device. It may include, for example, the first letter of each word of the subject of the document.

- U -

Unauthorized Person - Any person not authorized access to specific classified information, irrespective of that person's eligibility for such access (e.g., possession of an appropriate clearance).

Unbound Documents - Material such as letters, memoranda, reports, telegrams and similar documents, the pages of which are not permanently and securely fastened together.

Upgrading - The assigning of a higher classification than that previously assigned. Notification to recipients of the information is part of this process.

CHAPTER 2

RESPONSIBILITY FOR SAFEGUARDING CLASSIFIED MATERIAL

201 DEPARTMENT RESPONSIBILITY

The Department Security Officer is responsible for planning and directing a Department-wide administrative program for the physical security of classified material in the possession of USDA, including the development and publication of minimum standards, procedures, specifications, and guidelines in connection therewith. He will assure that active training and orientation programs are maintained for employees concerned with classified material. The Department Security Officer shall insure effective compliance with the implementation of the Executive Order 11652 and shall chair the Department committee which shall have authority to act on all suggestions and complaints with respect to the Department's administration of the Order.

The Department Review Committee shall consist of the Department Security Officer, who shall serve as Chairman; the Director of Personnel, who shall serve as Vice-Chairman; the General Counsel; the Assistant Secretary for Administration; and the Administrator of the Agency originating a document which has been classified.

202 AGENCY RESPONSIBILITY

1. Agency Head. Each agency head is directly responsible for safeguarding all classified material within his jurisdiction and control. He must initiate and supervise measures or instructions necessary to insure effective control at all times in line with Department policy and regulations. He must also insure that any employee who must have access to such classified material in pursuit of his position is appropriately cleared prior to assignment to the position. An agency head may delegate authority to perform security control functions charged to him, but he may not delegate his assigned responsibility. Security is a responsibility of leadership.
2. Agency Classified Material Control Officer. The head of each agency shall designate a responsible employee of the agency to serve as the Agency Classified Material Control Officer. He will be responsible to the agency head for maintaining adequate facilities, procedures, and controls for safeguarding classified material coming within the custody of the agency. He is also responsible for maintaining an active program of orientation and training to keep employees informed concerning these regulations, and to impress upon them their individual responsibility for exercising vigilance and care in safeguarding classified material.

Each Classified Material Control Officer shall maintain a current record of all employees in his agency who have been cleared and authorized to have access to classified material. The Agency Personnel Officer shall promptly advise the Department Security Officer when one of these employees leaves the service of his agency.

The loss or compromise of classified material or information shall be promptly reported to the Department Security Officer.

Neither the Classified Material Control Officer nor any other employee, regardless of grade or position, shall advise other agencies or establishments outside the Department concerning the level of security clearance of an employee. Such information will be furnished by the Department Security Officer.

3. USDA Field Offices and Installations. Employees in charge of field offices and installations are responsible for insuring the adequate protection of classified material in the possession of their respective offices and installations, including component activities geographically located apart from the parent office or installation in accordance with the provisions set forth in this Handbook.

203 EMPLOYEE RESPONSIBILITY

1. Each supervisor of a USDA division, office, or other organizational unit to which classified material is entrusted will be responsible for insuring that:
 - a. All such material is provided adequate safeguarding at all times and under all circumstances.
 - b. Each USDA employee under his supervision and/or each non-USDA employee present is adequately instructed in and fully complies with all of the pertinent provisions of this Handbook and such other requirements as may be established by the Classified Material Control Officer.
2. Each USDA employee who has reasons to believe that:
 - a. A practice or condition exists which fails to provide for adequate safeguarding of any classified material will report the circumstances promptly to his immediate supervisor.
 - b. The loss or compromise of classified material or information will be promptly reported to the Agency Classified Material Control Officer.

3. Each USDA employee to whom classified material has been entrusted will:
 - a. Follow each procedure established by his Agency Classified Material Control Officer for the purpose of preventing unauthorized access to classified material.
 - b. Be responsible for insuring that the material in his possession or custody is kept in approved security storage equipment.
 - c. Prior to giving a prospective recipient access to classified material or information, insure that he has both:
 1. a security clearance to at least the same category of classification as the material or information involved; and
 2. a valid need-to-know the information in connection with his official duties.
 - d. Prior to termination of employment or contemplated temporary separation for a sixty-day period or more, or reassignment to a nonsensitive position within the Department, an employee shall be interviewed to impress upon him his obligations with regard to maintaining security of classified national security information obtained during his service in the Department, and to bring to his attention the applicable statutory requirements in this connection. He shall be required to read and execute Form AD-491 "Debriefing Statement" in the presence of the Agency Classified Material Control Officer. He should be required, at that time, to surrender or account for any classified material in his personal possession or custody.

CHAPTER 3

MARKING CLASSIFIED MATERIAL

301 SECURITY CLASSIFICATION CATEGORIES

Official information or material which requires protection against unauthorized disclosure in the interest of the national defense or foreign relations of the United States shall be classified in one of three categories, namely "Top Secret," "Secret," or "Confidential," depending upon the degree of its significance to the national security. No other categories shall be used to identify official information or material as requiring protection in the interest of national security, except as otherwise expressly provided by statute. These classification categories are defined as follows:

1. "Top Secret" refers to that national security information or material which requires the highest degree of protection. The test for assigning "Top Secret" classification shall be whether its unauthorized disclosure could reasonably be expected to cause exceptionally grave damage to the national security. Examples of "exceptionally grave damage" include armed hostilities against the United States or its allies; disruption of foreign relations vitally affecting the national security; the compromise of vital national security plans or complex cryptologic and communications intelligence systems; the revelation of scientific or technological developments vital to national security. This classification shall be used with the utmost restraint.
2. "Secret" refers to that national security information or material which requires a substantial degree of protection. The test for assigning "Secret" classification shall be whether its unauthorized disclosure could reasonably be expected to cause serious damage to the national security. Examples of "serious damage" include disruption of foreign relations significantly affecting the national security; significant impairment of a program or policy directly related to the national security; revelation of significant military plans or intelligence operations; and compromise of significant scientific or technological developments relating to national security. The classification "Secret" shall be sparingly used.
3. "Confidential" refers to that national security information or material which requires protection. The test for assigning

"Confidential" classification shall be whether its unauthorized disclosure could reasonably be expected to cause damage to the national security.

302 GENERAL REQUIREMENTS

Each item of material which contains classified information will be marked to indicate:

1. The classification category of the information involved;
2. Instructions for downgrading, upgrading, or declassifying the information as prescribed in Paragraph 204; and
3. Markings, and notations additionally prescribed in Paragraph 306.

303 AUTHORITY TO CLASSIFY

1. Classifying authority of national security information or material is vested in and only may be exercised by the Secretary of Agriculture. All requests to have material classified, which originates in this Department, will be routed by the Agency Classified Material Control Officer to the Department Security Officer for review, registration and approval and assignment of classification category by the Secretary. Material submitted shall be prepared as follows:

Classification Number _____
(leave blank) shall be typed in upper
right hand corner

and

Classified _____
(leave blank)

By _____
Secretary of Agriculture
(Classifying Authority)

shall be typed in the lower left corner of all record copies of material submitted to the Secretary for assignment of classification.

Such request shall be accompanied by a statement of justification on a 3 x 5 card attached:

Agency: _____ No. _____
Date: _____ (leave blank)
Indicate Classification: _____
(Top Secret, Secret, Confidential)
Need for Classification: _____
Abstract of Document: _____

Signature of Agency Classified Material Control Officer

2. Derivative Classification. Material derived from classified material must be assigned the same classification as the parent material. This would apply to replies to classified correspondence, summaries of classified material, excerpts from classified material, etc. Such derivative classifications may be assigned automatically without reference to the Secretary of Agriculture.

304 DECLASSIFICATION AND DOWNGRADING

When classified information or material no longer requires its present level of protection in the national security interest, it shall be downgraded or declassified in order to preserve the effectiveness and integrity of the classification system and to eliminate classifications of information or material which no longer require classification protection. The following special rules shall be observed with respect to changes of classification of national security information or material, including information or material heretofore classified:

1. AUTHORITY TO DOWNGRADE AND DECLASSIFY

The authority to downgrade and declassify national security information or material shall be exercised as follows:

- a. Information or material may be downgraded or declassified by the Secretary of Agriculture.
- b. In the case of transfer of function pursuant to statute or executive order to U.S. Department of Agriculture, this Department shall be deemed to be the originating Department for all purposes under EO 11652 including downgrading and declassification of classified information is not applicable to storage purposes.

- c. Classified information or material transferred to the General Services Administration for accession into the Archives of the United States shall be downgraded and declassified by the Archivist of the United States in accordance with this order, directives of the President issued through the National Security Council, and pertinent regulations of this Department.
- d. Classified information or material with special markings as described in 206 shall be downgraded and declassified as required by law and governing regulations.

2. CLASSIFICATION

Both unnecessary classification and over-classification shall be avoided. Classification shall be solely on the basis of national security considerations. In no case shall information be classified in order to conceal inefficiency or administrative error, to prevent embarrassment to a person or the Department, to restrain competition or independent initiative, or to prevent for any other reason the release of information which does not require protection in the interest of national security. The following rules shall apply to classification of information under this Handbook:

- a. Documents in General. Each classified document shall show on its face its classification and whether it is subject to or exempt from the General Declassification Schedule. It shall also show the Office origin, the date of preparation and classification and, to the extent practicable, be so marked as to indicate which portions are not classified in order to facilitate excerpting and other use. Material containing references do not reveal classified information, shall not be classified.
- b. Information or Material Furnished by a Foreign Government or International Organization. Classified information or material furnished to the United States by a foreign government or international organization shall either retain its original classification or be assigned a classification. In either case, the classification shall assure a degree of protection equivalent to that required by the government or international organization which furnished the information or material.
- c. Classification Responsibilities. A holder or classified information or material shall observe and respect the classification assigned by the originator. If a holder believes that there is unnecessary classification, that

the assigned classification is improper, or that the document is subject to declassification under this order, he shall so inform the originator who shall thereupon reexamine the classification.

3. DECLASSIFICATION AND DOWNGRADING

Classified information and material, unless declassified earlier by the original classifying authority, shall be declassified and downgraded in accordance with the following rules:

a. General Declassification Schedule

- (1) "Top Secret." Information or material originally classified "Top Secret" shall become automatically downgraded to "Secret" at the end of the second full calendar year following the year in which it was originated, downgraded to "Confidential" at the end of the fourth full calendar year following the year in which it was originated, and declassified at the end of the tenth full calendar year following the year in which it was originated.
- (2) "Secret." Information and material originally classified "Secret" shall become automatically downgraded to "Confidential" at the end of the second full calendar year following the year in which it was originated, and declassified at the end of the eighth full calendar year following the year in which it was originated.
- (3) "Confidential." Information and material originally classified "Confidential" shall become automatically declassified at the end of the sixth full calendar year following the year in which it was originated.

b. Exemptions from General Declassification Schedule

Certain classified information or material may warrant some degree of protection for a period exceeding that provided in the General Declassification Schedule. The Secretary of Agriculture may exempt from the General Declassification Schedule any level of classified information or material originated by him or under his supervision if it falls within one of the categories described below. The author shall specify and justify to the Secretary the exemption category being claimed and, unless impossible, a date or event for automatic declassification. The use of the exemption authority

shall be kept to the absolute minimum consistent with national security requirements and shall be restricted to the following categories:

- (1) Classified information or material furnished by foreign governments or international organizations and held by the United States on the understanding that it be kept in confidence.
- (2) Classified information or material specifically covered by statute, or pertaining to cryptography, or disclosing intelligence sources or methods.
- (3) Classified information or material disclosing a system, plan, installation, project, or specific foreign relations matter the continuing protection of which is essential to the national security.
- (4) Classified information or material the disclosure of which would place a person in immediate jeopardy.

c. Mandatory Review of Exempted Material

All classified information and material originating in the Department of Agriculture after June 1, 1972, which is exempt from the General Declassification Schedule, and classified information originating in the Department of Agriculture prior to June 1, 1972, assigned to Groups 1, 2, or 3 of Executive Order 10501, as amended, shall be subject to a classification review by the originator at any time after the expiration of ten years from the date of origin provided:

- (1) A department or member of the public requests a review;
- (2) The request describes the record with sufficient particularity to enable the Department to identify it; and
- (3) The record can be obtained with only a reasonable amount of effort. (See FR Title 7, Subtitle A, Part 10.)

Information or material which no longer qualifies for exemption under (b) above shall be declassified. Information or material continuing to qualify under (b) shall be so marked and, unless impossible, a date for automatic declassification shall be set.

d. Applicability of the General Declassification Schedule to Previously Classified Material

Information or material classified before the effective date of Executive Order No. 11652 and which was assigned to Group 4 under Executive Order No. 10501, as amended by Executive Order No. 10964, shall be subject to the General Declassification Schedule. All other information or material classified before June 1, 1972, whether or not assigned to Groups 1, 2, or 3 of Executive Order No. 10501, as amended, shall be excluded from the General Declassification Schedule. However, at any time after the expiration of ten years from the date of origin it shall be subject to a mandatory classification review and disposition under the same conditions and criteria that apply to classified information and material created after June 1, 1972, as set forth in (b) and (c) above.

e. Declassification of Classified Information on Material After Thirty Years

All classified information or material which is thirty years old or more, whether originating before or after June 1, 1972, shall be declassified under the following conditions:

- (1) All information and material classified after June 1, 1972, shall, whether or not declassification has been requested become automatically declassified at the end of thirty full calendar years after the date of its original classification except for such specifically identified information or material which the Secretary of Agriculture personally determines in writing at that time to require continued protection because such continued protection is essential to the national security or disclosure would place a person in immediate jeopardy. In such case, the Secretary shall also specify the period of continued classification.
- (2) All information and material classified before June 1, 1972, and more than thirty years old shall be systematically reviewed for declassification by the Archivist of the United States by the end of

the thirtieth full calendar year following the year in which it was originated. In his review, the Archivist will separate and protect only such information or material as is specifically identified by the Secretary of Agriculture in accordance with (e) (1) above. In such case, the Secretary shall also specify the period of continued classification.

305 REVIEW OF CLASSIFIED MATERIAL FOR DECLASSIFICATION

1. Systematic Reviews. All information and material classified after June 1, 1972, and determined in accordance with Chapter 21, 44 U.S.C. to be of sufficient historical or other value to warrant preservation shall be systematically reviewed on a timely basis by each Agency of the Department for the purpose of making such information and material available to the public in accordance with the determination regarding declassification made by the Secretary. During each calendar year, each Agency shall segregate to the maximum extent possible all such information and material warranting preservation and becoming declassified at or prior to the end of such year. Promptly after the end of such year, the Department or the Archives of the United States, if transferred thereto, shall make the declassified information and material available to the public to the extent permitted by law.
2. Review for Declassification of Classified Material Over 10 Years Old. Members of the public or Departments may direct requests for mandatory review for declassification under Section 5(c) and (D) of Executive Order 11652 (hereafter referred to as the Order) to the Department Security Officer, Office of Personnel, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250. The Security Officer shall in turn assign the request to the appropriate Agency Head for action. In addition, the Security Officer or the Agency which has been assigned action shall immediately acknowledge receipt of the request in writing. If the request requires the rendering of services for which fair and equitable fees should be charged pursuant to 31 U.S.C. 483a the requester shall be so notified. The Agency which has been assigned action shall thereafter make a determination within 30 days of receipt of shall explain the reasons why further time is necessary. If at the end of 60 days from receipt of the request for review no determination has been made, the requester may apply to the Department review committee for a determination. Should the Agency assigned action on a request for review determine that under the criteria set forth in Section 5(b) of the Order a continued classification is required, the requester shall promptly be notified, and

whenever possible, provided with a brief statement as to why the requested information or material cannot be declassified. The requester may appeal any such determination to the Department review committee and the notice of determination shall advise him of this right.

3. Appeals to the Department Review Committee for Declassification. The Department Review Committee shall establish procedures to review and act within 30 days upon all applications and appeals regarding requests for declassification. The review committee is authorized to overrule previous determinations in whole or in part when, in its judgment, continued protection is no longer required. If the committee determines that continued classification is required under the criteria of Section 5(B) of the Order it shall promptly so notify the requester and advise him that he may appeal the denial of the Interagency Classification Review Committee.
4. Review of Classified Material Over 30 Years Old. A request by a member of the public or by a Department, to review for declassification, documents more than 30 years old, shall be referred directly to the Archivist of the United States and he shall have the requested documents reviewed for declassification. If the information or material requested has not been transferred to the General Services Administration for accession into the Archives, the Archivist shall, together with the Secretary of Agriculture, have the requested documents reviewed for declassification. Classification shall be continued in either case only where the Secretary of Agriculture makes at that time the personal determination required by Section 5(E)(1) of the Order. The Archivist shall promptly notify the requester of such determination and of his right to appeal the denial of the Interagency Classification Review Committee.
5. Burden of Proof for Administrative Determinations. For purposes of administrative determinations under 2, 3, or 4 above, the burden of proof is on the originating Agency to show that continued classification is warranted within the terms of the Order.
6. Availability of Declassified Material. Upon a determination under 2, 3, or 4 above, that the requested material no longer warrants classification, it shall be declassified and made promptly available to the requester, if not otherwise exempt from disclosure under Section 552(b) of Title 5 U.S.C. (Freedom of Information Act) or other provision of law. As required by Section 5(C) of the Order, a request for classification review must describe the document with sufficient particularity to enable the Department to identify it with a reasonable amount of effort. Whenever a request is deficient in its description of the record sought, the

requester should be asked to provide additional identifying information whenever possible. Before denying a request on the grounds that it is unduly burdensome, the requester should be asked to limit his request to records that are reasonably obtainable. If none-the-less the requester does not describe the records sought with sufficient particularity, or the record requested cannot be obtained with a reasonable amount of effort, the requester shall be notified of the reasons why no action will be taken and of his right to appeal such decision to the ICRC.

306 SPECIAL MARKINGS AND NOTATIONS

GENERAL

In addition to those markings and notations required in Paragraph 307 below, other markings and notations may be required on an item of classified material. These special markings and notations, and the circumstances under which they will be used, are indicated in paragraph 1 through 7 as follows:

1. RESTRICTED DATA MARKING

- a. An item of classified material which contains information designated as RESTRICTED DATA will bear the following marking:

RESTRICTED DATA

- b. An item of material which contains no RESTRICTED DATA, but has an enclosure which does, will bear the following markings:

ENCLOSURE CONTAINS
RESTRICTED DATA

2. FORMERLY RESTRICTED DATA MARKING

- a. An item of classified material which contains information designated as FORMERLY RESTRICTED DATA will bear the following markings:

FORMERLY RESTRICTED DATA

Unauthorized disclosure subject to
Administrative and Criminal Sanctions.
Handle as Restricted Data in Foreign
Dissemination, Section 144.b., Atomic
Energy Act. 1954.

- b. An item of classified material containing FORMERLY RESTRICTED DATA and furnished to any person or activity outside the Executive Branch also will be marked with the Espionage Law Notation.
- 3. INFORMATION OTHER THAN RESTRICTED AREA OR FORMERLY RESTRICTED DATA

For classified information or material furnished to persons outside the Executive Branch of Government other than as described in (1), or (2), above shall bear the following marking:

NATIONAL SECURITY INFORMATION

Unauthorized Disclosure Subject to
Criminal Sanctions

4. SENSITIVE INTELLIGENCE INFORMATION

For classified information or material relating to sensitive intelligence sources and methods, the following warning notice shall be used in addition to and in conjunction with those prescribed in (1), (2), or (3) as appropriate:

WARNING NOTICE - SENSITIVE INTELLIGENCE
SOURCES AND METHODS INVOLVED

5. DOCUMENTATION MARKING

Each "Top Secret" and "Secret" document (so classified because of its own content) and those "Confidential" documents mentioned in Paragraph 401-2b, and all copies and reproductions thereof, will bear a documentation marking. The marking will indicate the number of pages in the document, the number of each copy and the number of copies in each individual set, and the series designation for that particular set of copies prepared will be the letter "A." Subsequent sets of copies will be indicated in alphabetical sequence. For example, for the first of three copies of a five-page documentation, an original set, the marking will read as follows:

"This document consists of 5 pages.
No. 1 of 3 copies, Series A."

6. UNCLASSIFIED MARKING

Except as permitted in Paragraph 307.1.a.(2)(a) and 10(a), unclassified material normally will not be so marked

unless it is desirable to indicate that consideration has been given to classifying the material and it has been determined that it does not require a classification.

7. "CRYPTO" MARKING

This marking will be used only to identify classified cryptographic information. The Department Security Officer should be consulted for guidance when use of this marking is contemplated.

307 AFFIXING MARKINGS AND NOTATIONS TO DOCUMENTS

GENERAL

Except as provided in Subparagraph 4, classification markings on a USDA-generated document will be based on its content and not on its relation to other documents. The same principle will apply to RESTRICTED DATA markings except as provided in Paragraph 306-2b.

1. USDA-GENERATED CLASSIFIED DOCUMENTS

a. Classification Marking Requirements

- (1) When document or other material is prepared. At the time of origination, each document or other material containing classified information shall be marked with its assigned security classification and whether it is subject to or exempt from the General Declassification Schedule.

- (a) For marking documents which are subject to the General Declassification Schedule, the following stamp should be used:

(TOP SECRET, SECRET, OR CONFIDENTIAL)
CLASSIFIED BY _____
SUBJECT TO GENERAL DECLASSIFICATION
SCHEDULE OF EXECUTIVE ORDER 11652
AUTOMATICALLY DOWNGRADED AT TWO YEAR
INTERVALS AND DECLASSIFIED ON DEC. 31
(insert year)

- (b) For marking documents which are to be automatically declassified on a given event or date earlier than the General Declassification Schedule the following stamp shall be used:

- (2) (a) In addition to the marking required in Sub-paragraph (1), the author of a classified document may indicate the individual classification, or lack thereof, of each component (i.e., subject or title, paragraph, page, chapter, or section) of the document.
- (b) Documentation of the specific level of classification, or lack thereof, of the internal components of the document would be of particular value in subsequent extraction of data therefrom for the purposes of secondary documentation or oral presentation. This would permit the extracting of unclassified data from the classified document on a completely unclassified basis, or where appropriate, permit the use of a lower classification than that assigned as the overall classification of the parent document. Use of this additional, optional marking system would make possible the limiting of security restrictions to those portions of a classified document which are actually classified and facilitate the dissemination and utilization of all other information involved.
- (c) Once the author elects to indicate the individual classification of one or more document components, he must indicate the individual classification of all such components through the document. For example, the author may not indicate the classification, or lack thereof, of a particular paragraph or page without indicating the classification, or lack thereof, of each paragraph or page contained in the document. A specific classification, or lack thereof, of components of a document will be indicated as follows:
- (1) Subjects and Titles, if at all possible should not contain classified information. When it is necessary to use classified information in a Subject or Title, every effort should be made to select information of a lowest possible classification category. The classification, or lack thereof, of a Subject or Title will be indicated after the

last word or symbol contained therein, using the appropriate parenthetical marking (TS) for TOP SECRET, (S) for SECRET, and (C) for CONFIDENTIAL, or (U) for UNCLASSIFIED: or put an asterisk to a footnote at the bottom of the first page on which the Subject or Title appears. For example, *"Title Classified."* When it is necessary to use classified information in the Subject or Title, originators should, if feasible, provide a short Title for unclassified reference purposes.

- (2) Paragraph by paragraph marking will be accomplished by placing the appropriate parenthetical marking, (TS), (S), or (C) or (U) immediately preceding the first word of each paragraph.
- (3) Page by page marking will be accomplished by placing a parenthetical statement below the classification marking on the bottom of each page. For example:

SECRET
(This page Confidential)

OR

SECRET
(This page Unclassified)

- (4) Chapter by chapter marking shall be accomplished by placing an explanatory statement on the first page of each chapter. For example:

This Chapter Classified SECRET

OR

This Chapter Unclassified

- (5) Section by section marking shall be accomplished by placing an explanatory statement on the first page of each section. For example:

This Section Classified CONFIDENTIAL

OR

This Section Unclassified

(3) OTHER MARKINGS AND NOTATIONS

- a. Downgrading, upgrading, and declassification markings and notations will be affixed near the classification marking on the first page. If this is not practical, the marking or notation will be indicated conspicuously at least once in a similarly prominent place, such as the front cover, title page, or foreword.
- b. The Espionage Law Notation will be affixed on the outside of the front cover, if any; otherwise, on the first page.
- c. RESTRICTED DATA AND FORMERLY RESTRICTED DATA. Prescribed markings will be affixed on the first page and on the front cover, if any. A RESTRICTED DATA portion of the lettering will be one-quarter inch high. (NOTE: Usual typeface is not this large, hence, not permitted.)
- d. The documentation prescribed in Paragraph 302 will be placed in the upper right corner on the outside of the front cover, if any; otherwise, in the upper right corner of the first page.

(4) DRAFTS, NOTES, AND WORKING PAPERS

Materials such as a draft, brief, note, preliminary or other working paper which contains classified information will be either marked with the appropriate classification marking or handled and protected in a manner prescribed.

(5) TRANSMITTAL LETTER, MEMORANDUM, OR NOTE

A letter which transmits enclosures containing classified information will bear a classification marking at least as high as that of the highest classified enclosure. If the transmittal letter itself does not embody classified information it also will bear the notation prescribed in Paragraph 304. If the letter contains classified information of a classification category lower than that of any enclosure, the letter also will bear appropriate downgrading and declassification notation.

(6) COPIES AND REPRODUCTION

All copies and reproductions of a classified document will contain the same markings and notations appearing on the original document. Some office-type copying equipment does not always clearly reproduce all colors of ink or markings or marginal density. If markings and notations are not clearly reproduced, they will be placed on all reproduced copies in the same manner as those on the original.

(7) FILES AND GROUPS OF DOCUMENTS

A file or group of physically connected classified documents will be marked with a classification marking at least as high as that of the most highly classified document contained therein. The overall accumulation of such a file or group may warrant the assignment of the classification category higher than that of any single document in the file or group. The classification marking will be placed on the covering page or leaf, or indicated on a tag or by an appropriate cover sheet attached to the top surface of the file or group. Classified documents separated from the file or group will be handled in accordance with their individual classification.

(8) CLASSIFIED MESSAGE

- a. A document which contains a classified message prepared for electric transmission will be marked as prescribed in Subparagraph 306.
- b. On receipt of an electrically-transmitted classified message at a communications center, all copies of the message will be marked.

(9) DATA PROCESSING MACHINE CARDS AND LISTS

- a. A deck of classified data processing machine cards will be marked as a single document by adding an appropriately marked card as the first card of the deck to identify the following:
 - (1) The contents of the deck.
 - (2) The overall classification category.
 - (3) Other markings and notations as required.

Individual cards of the deck need not be marked separately. A card removed from such a deck for individual processing use will be either returned promptly to the deck after such processing or use, or marked with the appropriate classification marking.

- b. Classification markings on the pages of a classified list produced by data processing equipment may be applied automatically by the equipment, provided the first and last page of the list and front and back covers are marked. Individual pages removed from the list will be marked as the entire document.

(10) CLASSIFIED DOCUMENTS OF FOREIGN GOVERNMENTS AND INTERNATIONAL PACT ORGANIZATIONS

- a. A classified document furnished to USDA by a foreign government or an international pact organization will be marked with the lowest U.S. classification marking which will assure a degree of protection equivalent to or greater than required by the furnishing government or organization.
- b. Certain foreign governments and international pact organizations use the marking "RESTRICTED." When a document so marked is furnished to USDA it will be marked and protected in the same manner as a U.S. document classified CONFIDENTIAL.

(11) DECLASSIFIED, DOWNGRADED AND UPGRADED DOCUMENTS

- a. If the classification of a document is cancelled, downgraded or upgraded, the old classification marking will be lined through. In the case of automatic downgrading, the original classification marking must remain legible so that persons other than the one effecting the change may be aware that the automatic change has been accomplished. The authority for automatic downgrading and declassification actions is reflected by the markings indicated in Paragraph 306. However, the notation prescribed in Paragraph 307 will be placed on a classified document when:

(1) Downgrading and declassifying action is taken prior to the date or event prescribed by the automatic downgrading and declassifying marking as indicated in Paragraph 307.

(2) The document's classification category is upgraded.

For declassified documents a marking "UNCLASSIFIED" need not be used. However, a perforating device may be used to cancel the classification marking by applying the perforation "DECLASSIFIED" or "UNCLASSIFIED" over the old classification. Perforations will not be used to indicate a change of classification on downgraded or upgraded documents, or to indicate any other marking or notations prescribed by this Handbook.

- b. Individual copies of a document in bulk supply which contains information that has been upgraded, downgraded or declassified need not be marked to indicate the change until the copy is withdrawn for use. In the interim, however, the bulk supply shall be:
 - (1) Conspicuously labeled to alert personnel of the change involved and the action required when the document is withdrawn.
 - (2) Stored in approved security storage equipment or a controlled area.

308 AFFIXING MARKINGS AND NOTATIONS TO A CHART, MAP, DRAWING, PHOTOGRAPH OR FILM

GENERAL

When classified as far as possible within the limitations of their physical characteristics, the material set forth in Subparagraph 1 and 2 will be marked in accordance with the specific procedures contained therein and the general marking procedures prescribed in Paragraph 304.

1. CHARTS, MAPS, AND DRAWINGS

- a. Classified charts, maps, and drawings will be marked with the appropriate classification marking adjacent to or under the legend, title, block, or scale so that the marking will be reproduced on all copies made from the original. If the document is rolled or folded in such a manner that the classification markings on the face are obscured, the classification marking also will be affixed so as to be clearly visible when the document is rolled or folded.

2. PHOTOGRAPHS, SLIDES, AND FILMS

- a. Classified photographs, slides, negatives, cut film rolled, and their containers will be clearly marked with the appropriate classification marking so that the custodian or the viewer will be aware of the classification category.

- b. Additional classification markings will be placed at the top and bottom of the reverse of the photograph or print when the classification markings on the front are not conspicuous because of narrow borders or picture content, or if the markings are likely to smudge or rub off. Other applicable markings and notations also will be placed on the reverse side.
- c. Classified film in roll form (such as microfilm) will be marked with the appropriate classification marking and other applicable markings and notations at the beginning and end of each roll, as well as the reel or spool and on the container. In addition, classified motion picture film will indicate the classification markings and other applicable markings and notations in the title frames. Classification changes or roll film will be indicated on leaders attached between the plain leader and the first title frame.

309 AFFIXING MARKINGS AND NOTATIONS TO RECORDINGS

A classified recording (e.g. tape or disc) will be marked with the appropriate classification marking whenever possible. Normally, such a tape will be marked at the beginning and the end of the roll. If a recording does not lend itself to marking (e.g. wire) or if marking is not practical from an operational point of view, the recording will be kept in a container which is conspicuously marked with the appropriate classification marking and other applicable markings and notations.

310 AFFIXING MARKINGS AND NOTATIONS TO OTHER MATERIAL

Classified material, including products and substances and their containers, will be marked with the appropriate classification markings. That material which does not lend itself to marking will have securely affixed thereto, a tag, sticker, or similar device bearing the appropriate classification and other markings and notations.

When the foregoing is not practical, the markings and notations will be affixed or attached to the container of the material, if any, in lieu of the material itself. If none of the foregoing methods is practical, recipients of the material will be notified in writing of the applicable classification and other markings and notations.

CHAPTER 4

ACCOUNTABILITY AND CONTROL OF CLASSIFIED MATERIAL

401 MATERIAL SUBJECT TO ACCOUNTABILITY

1. Each item of material that is classified Top Secret or Secret, because of its own content, is subject to accountability requirements. Such requirements do not apply to documents which are temporarily classified solely because they transmit or are attached to Top Secret or Secret documents or other material.
2. With the following exceptions no accountability requirements are prescribed for material which is classified Confidential:
 - a. Confidential cryptographic information,
 - b. Confidential RESTRICTED DATA, only when the material is "documented" at the discretion of the Originator to show the number of pages, series, number of copies, and individual copy number: Accountability will be maintained in conformity with the requirements set forth in this chapter for Secret information,
 - c. Other Confidential material which, in exceptional instances, is considered particularly important by the originator or other appropriate authority: Such material will be designated and accounted for in accordance with such procedures as are established by the Department Security Officer.

402 DESIGNATION AND RESPONSIBILITY OF "ACCOUNTABILITY RECORDS CLERK"

Each agency, office and/or installation will designate one or more "Accountability Records Clerk" responsible for insuring the recording of all accountable material within the operating unit. All such personnel will be cleared to at least the category of security classification of the information which they process and will be adequately indoctrinated with respect to the general provisions of this Handbook and the specific requirements of this chapter. The designation may be omitted where the workload is such that it can be handled by the Agency Classified Material Control Officer or alternate staff member who has necessary clearance.

403 PROCESSING ACCOUNTABLE MATERIAL

Each item of classified material subject to the accountability requirements of this chapter and which is: (1) delivered to; (2) brought into; (3) generated, reproduced, upgraded (for example, from Confidential to Secret), downgraded, declassified, or destroyed at; (4) distributed or transferred within; or (5) transmitted or removed from, the agency office or installation shall be processed by or through the appropriate Accountability Records Clerk in accordance with such procedures as are established by the Agency Classified Material Control Officer for the purpose of maintaining complete accountability records.

404 ACCOUNTABILITY RECORDS

Records pertaining to classified material subject to accountability will:

1. Be afforded secure storage;
2. Be stored apart from the material they represent; and
3. Include the following data as appropriate:
 - a. Identity of the material by title, subject or other unique description (including short title).
 - b. Date originated or reproduced.
 - c. Date received or dispatched.
 - d. Schedule for downgrading and declassification. If exempt, the accountability record should indicate the exemption category and the date of declassification.
 - e. Control number or identification symbol.
 - f. Identity of person or office from which received and/or to which distributed within the agency, office or installation or transmitted outside the operating unit. Within a large division, office or other organizational unit of the operating unit, it is permissible to use an inventory log or document register to account for the internal routing of accountable information.
 - g. Number and copies, series, and copy number.
 - h. Date, new classification (or lack thereof), an authority for upgrading, downgrading, or declassification action.
 - i. Date of destruction and authority for destruction.

405 CLASSIFIED MATERIAL RECEIPTS

A classified material receipt (AD 471) will be used to transmit accountable material outside the Department. Within the Department, a receipt or charge-out system of accountability may be used. A charge-out card may be used in conjunction with a receipt when the material is loaned or routed within the agency for a short period of time. Under such a system, a file charge card may be substituted for the material and indicate the name and location of the person receiving the material and the date. For inventory purposes, the last person signing the USDA receipt should be considered the custodian of the material.

406 INVENTORY OF ACCOUNTABLE MATERIAL

A physical inventory of all Top Secret material shall be made at least annually. As an exception, repositories storing large volumes of classified material, inventory lists or other finding aids shall be developed.

407 ACCOUNTABLE MATERIAL NOT UNDER ACCOUNTABILITY

Each person who receives or has in his possession classified material which has not, but should have been, entered into the accountability system of the agency will promptly notify the Agency Classified Material Control Officer and cause a record of the material to be made in the accountability records.

408 RESTRICTIONS ON POSSESSION OR USE OF CLASSIFIED MATERIAL

1. Classified material at each USDA agency office or installation will be either under the immediate, continuing control and supervision of an authorized person or stored in an approved manner as provided in this Handbook. The same requirements apply, without exception, to classified material that is removed from a USDA agency, office or installation for use at official conferences, transmittal to authorized recipients, or other necessary official purposes.

Only in cases of clear necessity, approved in advance by the Agency Classified Material Control Officer, will classified material be removed to or retained in the temporary or permanent residence of a USDA employee. This provision includes classified material personally transported by an employee while on official travel. Official documentation of the approval of any such temporary or continuing arrangement will be provided on a timely basis to the Agency Classified Material Control Officer. As a minimum, the documentation will specify:

- a. Official necessity with exceptional arrangements;

- b. Precise means by which the classified material will be continuously safeguarded while outside the confines of the agency, as required in Subparagraph 1;
 - c. The precise means by which strict accountability will be maintained concerning each item of classified material removed, returned, or otherwise disposed of under the arrangement.
- 3. Classified material will not be exposed or utilized under circumstances which present an opportunity for physical or visual access to the contents by an unauthorized person. Exposure of use of classified material in public areas, including public areas on common carriers, vehicles, is specifically prohibited.
 - 4. Cryptographic material, RESTRICTED DATA, or information from a foreign government or international pact organization will not be removed to a temporary or permanent residence unless specifically required in connection with official travel. When such material is removed, all the provisions in Subparagraphs 2 and 3 will apply.
 - 5. Whenever classified material is in actual use by an authorized person, the material will be:
 - a. Kept under the immediate, continuing control and supervision of an authorized person;
 - b. Covered, turned face down, placed in security storage equipment or in a controlled area, or otherwise adequately protected whenever an unauthorized person is present;
 - c. Placed in security storage equipment or in a controlled area as soon as practicable after use.

409 ACCESS TO CLASSIFIED MATERIAL OR INFORMATION

- 1. Prior to granting access by any person to classified material or information, the individual releasing the material or information, without exception, will:
 - a. Establish the identity of the proposed recipient;
 - b. Determine that the security clearance to the proposed recipient is a valid security clearance which is at least as high as the classification of the material or information involved; and
 - c. Determine that the proposed recipient has a valid need to know the information in the performance of official duty.

2. No person is entitled to access to classified material or information based solely on his rank, position, or security clearance.
3. No person, other than an authorized USDA employee may be given access to classified material originated by another Federal department or agency without the authorization of that department or agency. This applies to RESTRICTED DATA only when it is to be disseminated outside USDA and the Department of Defense (and their contractors), and the AEC.
4. The release of classified material or information to a foreign government or foreign representative will be coordinated with the Department Security Officer.
5. Prior to granting any person access to classified material or information from a foreign government or international pact organization, all USDA personnel are cautioned to contact the Department Security Officer for details concerning specialized security requirements pertaining to this material or information.
6. A written record will be made of the dissemination of classified material or information to persons outside USDA. This includes conferences. The dissemination of copies of memoranda, letters, reports, and similar documents classified Confidential will be indicated on file copies or other records.
7. At the time classified material or information is orally disclosed, the recipient(s) will be informed of the category of classification of the material or information involved.
8. Classified material or information will never be revealed in a telephone conversation, or discussed in public places, conveyances, or any place within the hearing of an unauthorized person.
9. The disclosure of classified material or information to relatives, friends or other unauthorized persons may be cause for dismissal and/or other disciplinary action against the USDA employee involved.
10. Except as authorized in pertinent USDA issuances, no recipient of classified material or information will make a speech, write for publication, or give a course of instruction dealing with or closely related to classified material or information received by him by virtue of his official connection with USDA.
11. When classified material affecting the national security is furnished to unauthorized persons in or out of the Federal service, other than those in the executive branch, the follow-

ing notation in addition to the assigned classification marking shall, whenever practical, be placed on the material, on its container, or on the written notification of its assigned classification:

"NATIONAL SECURITY INFORMATION"

Unauthorized Disclosure Subject to Criminal
Sanctions

12. Historical research and access by former Government officials.

Upon written request, persons outside the Executive Branch engaged in historical research projects or persons who have previously occupied policy-making positions to which they were appointed by the President, other than those referred to in Section 6A of the Order, may have access to classified national security information if the Secretary:

- a. Determines that access is clearly consistent with the interest of national security; and
- b. Takes appropriate steps to assure that classified information or material is not published or otherwise compromised.
- c. Access granted a person by reason of his having previously occupied a policy-making position shall be limited to those papers which the former official originated, reviewed, signed or received while in public office.
- d. Every applicant for access shall, beforehand, agree in writing to the following:
 - (1) That he will protect any classified material or information made available to him in accordance with provisions of the Order.
 - (2) To a review of his notes and manuscript for the sole purpose of determining that no classified information or material is contained herein.

These regulations were effective June 1, 1972.

13. Information or material bearing the notation "WARNING NOTICE - SENSITIVE INTELLIGENCE SOURCES AND METHODS INVOLVED" shall not be disseminated in any manner outside authorized channels without the permission of the originating Department and an assessment by the Department Security Officer as to the potential risk to the national security and to the intelligence sources and methods involved.

1. Classified information shall not be disseminated outside the Executive Branch without the specific authorization of the Department Security Officer. Classified material which is to be physically released to U.S. entities outside the Executive Branch shall be marked as prescribed by Chapter 8, paragraph 801-1 and 802-1.

2. Dissemination to the Congress

Provided other Departmental policies and procedures regarding legislative affairs are met, classified information may be disseminated to the Congress when necessary in the interest of the national security with the authorization of the Secretary. As used herein, the Congress includes members, committees, subcommittees, and staffs of members and committees.

3. Dissemination to Representatives of the General Accounting Office (GAO)

a. Properly cleared and identified representatives of GAO may be granted access on a need-to-know basis to USDA classified information at USDA Agencies by each Administration when such information is relevant to the performance of GAO statutory responsibilities and duties. The GAO will announce in advance to the visited agency the purpose of the visit, names of GAO representatives, and if access to classified information is anticipated, a certification as to the level of clearance of each representative.

b. Requests for the following types of classified information shall be forwarded to the Administrator of each Agency, who shall consult with the Department Security Officer for determination of whether or not the information is relevant to the performance of GAO's statutory responsibilities and for authorization for release of access:

(1) Top Secret information;

(2) Other sensitive classified information falling in the general areas of tactical operations, intelligence, and communications security.

(3) Classified information originated by another department or agency of the Executive Branch, including FBI reports.

- c. When classified information is furnished to GAO representatives, they shall be informed of the classified nature of the information and of the need for safeguarding it properly. In this way, the Comptroller General has agreed to establish a security system at least equal to that prescribed by the Executive Branch.

4. Dissemination to the Government Printing Office (GPO)

Administrators of USDA Agencies may release classified material, except Top Secret and similarly unique material, to GPO plants, Washington and field, for reproduction when determined necessary for meeting printing and reproduction needs. The Public Printer has established policies and standards commensurate with those of the Executive Branch for the clearance of GPO personnel and for the safeguarding of classified information.

5. Dissemination to the Judiciary

Every effort shall be taken to prevent the disclosure of classified information in proceedings before civil courts or a general courts-martial. If classified information becomes or it appears that it might become involved, the matter will be referred immediately to the Office of the General Counsel. The Office of the General Counsel in consultation with the Department Security Officer will furnish advice and guidance as appropriate to the circumstances of the situation.

411 DISSEMINATION THROUGH MEETINGS AT USDA SITES

USDA Agencies which host or convene a classified conference, symposium, seminar, exhibit, or scientific and technical gathering shall assure that security measures appropriate to the circumstances, are taken. Requirements include but are not limited to the following:

- a. All individuals attending the meeting shall be properly authorized and have a need for the information. All attendees may not have a need for all the information to be presented, particularly at a meeting covering a wide range of topics. In such instances, the agenda should be drawn in a manner to provide for selective attendance.
- b. Attendees shall be positively identified before being admitted to the meeting room.
- c. Individuals who present classified information shall be advised of any limitations on their presentations which may be necessary because of the level of clearance or need-to-know of certain members of the audience. The speaker is responsible also for seeking such guidance and for keeping his disclosures within the prescribed limits.

- d. Notes, minutes, summaries, recordings, proceedings, reports, etc., on the classified portions of the meeting shall be safeguarded and controlled throughout the duration of the meeting. Such material, as appropriate, shall be forwarded to attendees by secure means at the conclusion of the meeting rather than being handcarried by them from the meeting site (except for local attendees).

CHAPTER 5

STORAGE OF CLASSIFIED MATERIAL

501 UTILIZATION AND PURCHASE OF SECURITY STORAGE EQUIPMENT

1. Security storage equipment should not normally be used for the storage of unclassified documents or other materials. Each USDA supervisor should establish and maintain a program which provides for the continuing review of classified material on hand for the purpose of reducing and maintaining at an absolute minimum the quantity of such material on hand at any given time.
2. Prior to purchasing new security storage equipment for classified information, every effort will be made to utilize equipment already available within USDA through the consolidation or disposal of the existing records and other stored materials.
3. Whenever it becomes necessary to purchase new filing equipment for the storage of classified material it will be, to the maximum extent practicable, of the type designated as "security filing cabinets" on the Federal Supply Schedule of the General Services Administration.

502 STORAGE OF TOP SECRET MATERIAL

Top secret information and material shall be stored in a safe or safe-type steel file container having a built in three-position dial-type combination lock, vault, or vault-type room, or other storage facility which meets the standards for Top Secret established under the provisions of Paragraph 501 and which minimizes the possibility of unauthorized access to, or the physical theft of, such information or material.

503 STORAGE OF SECRET OR CONFIDENTIAL INFORMATION

Secret and Confidential material may be stored in a manner authorized for Top Secret information and material, or in a container or vault which meets the standards for Secret or Confidential, as the case may be, established under the provisions of Paragraph 501 above.

504 STORAGE OF CLASSIFIED CRYPTOGRAPHIC MATERIAL

Classified cryptographic information will be stored in conformity with requirements established by the Department Security Officer.

505 STORAGE OF RESTRICTED DATA AND FORMERLY RESTRICTED DATA

RESTRICTED DATA AND FORMERLY RESTRICTED DATA will be stored in conformity with requirements of Paragraph 502 or 503 as appropriate for the specific level of security classification on the material itself.

506 STORAGE OF HAZARDOUS OR BULKY CLASSIFIED MATERIAL

When, due to its nature or size, it is hazardous or otherwise impractical to store classified material in accordance with the requirements of Paragraphs 402 or 403, the material will be stored within a controlled area which has been specifically approved for this purpose by the Department Security Officer. To insure continuity of safeguarding, such material will be removed from the controlled area only under conditions specifically approved by the Department Security Officer.

507 STORAGE OF CLASSIFIED WASTE AND REPRODUCTION MATERIALS

Pending actual destruction, all waste and reproduction materials which contain classified information will be stored in conformity with the requirements of Paragraphs 502 or 503, as appropriate, for the specific level of security classification of the information involved.

PROTECTION OF SECURITY STORAGE EQUIPMENT AND CONTROLLED AREAS

601 INSPECTION

Agency classified Material Control Officers will thoroughly inspect security storage equipment and controlled areas at times and under conditions prescribed by the Department Security Officer to insure that the equipment in areas are adequately secured or otherwise protected during both work and non-work hours. If any storage equipment, controlled area, or classified material is found not to be protected in accordance with the requirements of this Handbook, the Agency Classified Material Control Officer will be notified and corrective action taken in compliance with such procedures as he may establish.

602 RESTRICTION AND USE OF SECURITY STORAGE EQUIPMENT AND CONTROLLED AREAS

To minimize the possibility of compromise of classified information as an incidence to attempt to break and enter security storage equipment or a controlled area, such items as money, weapons, narcotics and precious metals will not be stored during non-working hours in any security storage equipment or controlled area in which classified material or information is stored. This restriction does not apply to intrinsically valuable material which by their own nature are classified or are properly a part of component of classified hardware. This restriction may be waived in an emergency provided action is initiated promptly to provide other storage arrangements for the restricted item(s).

603 DESIGNATION AND RESPONSIBILITIES OR CUSTODIAN OF SECURITY STORAGE EQUIPMENT OR CONTROLLED AREAS

A primary custodian will be designated for each unit of security storage equipment and each controlled area by the responsible supervisor; the same individual may be the custodian of a group of such units. The identity of each custodian will be made known to the Agency Classified Material Control Officer by such means as he may establish. Non-USDA employees, such as contractor personnel, assigned to an office in direct support of a USDA activity may be designated custodian provided all pertinent requirements of this Handbook are met. Each Custodian will be responsible for insuring that:

1. The security storage equipment is securely locked or that the controlled area is maintained under all security measures established by the Department Security Officer whenever the equipment or area is not under the immediate continuing supervision and control of an authorized person.
2. Locking devices are in good order and that combinations are changed, as a minimum, in accordance with the requirements set forth in Paragraph 607.

604 PROTECTION OF COMBINATION PADLOCK

Each combination padlock used for security storage equipment or a controlled area should be placed in a drawer or locked to the hasp whenever the equipment area is open.

605 KNOWLEDGE OF LOCKING DEVICE COMBINATION

1. Knowledge of the combination of a locking device used to secure classified material will be limited to the minimum number of persons actually required to effectively maintain normal business operations. Non-USDA personnel may be given knowledge of a combination provided all pertinent requirements of this Handbook are met (for example: need-to-know and appropriate level of clearance).
2. The identity of each individual having knowledge of the combination will be made known to the Agency Classified Material Control Officer by such means as he establishes.
3. The Agency Classified Material Control Officer will deposit the combination to his safe in the office of the Department Security Officer.

606 RECORD OF LOCKING DEVICE COMBINATION

A record of lock and padlock combinations used in connection with the storage of classified material will be made only when it is not practical to memorize the combinations due to the number of locking devices involved. Such a record will be:

1. Classified no lower than the highest category of classified material authorized for storage in any equipment concerned and will be higher if the overall accumulation of Confidential or Secret material warrants the protection afforded information of a higher category of security classification.

2. Stored in conformity with the requirements of Paragraphs 501 or 503, according to the category of security classification involved.

607 CHANGE OF LOCKING DEVICE COMBINATION

The combination of a lock or padlock used for security storage purposes will be changed:

1. When the locking device is first placed in use:
2. Whenever a person having knowledge of the combination is transferred, terminates employment or for some other reason is no longer authorized access to the classified material stored in the equipment or area:
3. Whenever the combination is believed to have been subject to compromise:
4. Whenever the security storage equipment or controlled area has been found unsecured and unattended by an authorized person:
5. At least every 12-month minimum.

CHAPTER 7

REPRODUCTION OF CLASSIFIED MATERIAL

701 GENERAL PROVISIONS

1. Since the danger of compromise increases with the number of copies of a classified document in existence, it is essential that USDA personnel keep to an absolute operating minimum the number of carbon copies or other reproductions of a classified document.
2. Copy numbers will be assigned to reproduce copies of material subject to accountability (see Paragraph 401). The person or organizational unit responsible for the accountability of such material will be given promptly a receipt covering such copy; this includes any negative, plate, map, etc., developed during a reproduction process.
3. Overruns of a document of any security classification will be kept to an absolute minimum and will be destroyed promptly, in accordance with the requirements of Chapter 9.
4. Any reproduction must be for use only within USDA.

702 AUTHORIZATION TO REPRODUCE CLASSIFIED MATERIAL

1. LIMITATION OF REQUIREMENTS

The provisions of this paragraph do not apply to the original copying or processing of working papers within an originating USDA organizational segment.

2. AUTHORIZATION

- a. GENERAL. In the absence of a specific prohibition against reproduction, classified material may be reproduced or copied only with authority indicated in Subparagraphs b and c below. The authorizing official will specify the number of copies to be made, either on a standard work order or in the form of an appropriate notation on the material to be copied.
- b. Top Secret, Secret, or Confidential material originating in another government agency or department shall not be reproduced without the written approval of the individual of that agency having authority to approve such reproduction.

- c. Whenever any reproduction of such classified document is made, including that performed by the Service Operations Division, Office of Operations, a record of the number of copies and their distribution shall be maintained by the ordering office.

CHAPTER 8

TRANSMISSION OF CLASSIFIED INFORMATION AND MATERIAL

801 PREPARATION FOR TRANSMISSION

1. OUTSIDE A USDA AGENCY OR FIELD OFFICE

Secret and Confidential material being prepared for transmission outside a USDA agency or field office will be securely enclosed in sealed, opaque inner and outer envelopes or other types of covers of sufficient strength to withstand rough handling. The address and return address will be placed on both covers. The highest category of security classification of its contents will be plainly marked only on the inner cover and will include, when appropriate, the additional marking of "RESTRICTED DATA." The outer cover will bear no indication of the classification or the RESTRICTED DATA nature of its contents. Whenever, due to its nature, weight, or size, classified material cannot be prepared for transmission as indicated in this paragraph, it will be prepared in accordance with specific instructions obtained from the Agency Classified Material Control Officer. Whenever any doubt exists as to the authorized safeguarding and storage capability of any intended recipient of classified material, such as when transmission to a private residence is contemplated, the Agency Classified Material Control Officer will be consulted in advance.

2. WITHIN A USDA AGENCY OR FIELD OFFICE

Secret and Confidential material being prepared for transmission entirely within an individual USDA office or field office, as a minimum, will be afforded the protection of an appropriate classified cover sheet. Additional measures may be established by the Agency Classified Material Control Officer to prevent unauthorized access.

3. CLASSIFIED MATERIAL RECEIPT (AD-471)

- a. A classified material receipt will be prepared for all Secret material, except that a charge-out system may be used in lieu of a receipt within an individual installation. Confidential material will require a receipt only if preceding requirements for a particular item have been established previously or a sender otherwise deems it necessary. The receipt form will contain no classified information.

- b. A classified material receipt normally will be attached to or enclosed in the inner cover. When necessary, the receipt may be forwarded in any other manner approved by the Agency Classified Material Control Officer.
- c. A copy of the classified material receipt and a record of the mail registry or other identification symbol will be retained pending return of the signed receipt. If a receipt is not returned within a reasonable time, followup inquiry will be made.

802 METHOD OF TRANSMISSION OUTSIDE USDA

1. TRANSMISSION OF TOP SECRET

The transmission of Top Secret information and material shall be effected preferably by oral discussion in person between the officials concerned. Otherwise the transmission of Top Secret information and material shall be by specifically designated personnel, by State Department diplomatic pouch, designated personnel, by State Department diplomatic pouch, by a messenger-courier system especially created for that purpose, over authorized communications circuits in encrypted form or by other means authorized by the National Security Council.

2. SECRET AND CONFIDENTIAL NON-CRYPTOGRAPHIC INFORMATION OR MATERIAL MAY BE TRANSMITTED BY ANY OF THE FOLLOWING METHODS:

- a. Direct contact of officials concerned or handcarried by specifically designated USDA employees who possess an appropriate security clearance and have been briefed on his specific responsibilities.
- b. State Department diplomatic pouch.
- c. A messenger-Courier system especially created for the purpose (such as the Armed Forces Courier Service).
- d. By electric means in encrypted form.
- e. Over communications circuits in accordance with the regulations promulgated for such purpose by the Secretary of Defense.
- f. By commanders or masters of vessels of United States registry.

g. By registered United States mail through Army, Navy, Air Force or United States civil postal facilities; provided that the information or material does not at any time pass out of the United States Government control and does not pass through a foreign postal system (see Paragraph 3). Registered mail in the custody of a transporting agency of the United States Post Office is considered, for this purpose, to be within the United States Government control unless the transporting agent is foreign controlled or operated.

3. BETWEEN UNITED STATES GOVERNMENT INSTALLATIONS, BETWEEN CANADIAN GOVERNMENT INSTALLATIONS, AND BETWEEN UNITED STATES GOVERNMENT INSTALLATIONS AND CANADIAN GOVERNMENT INSTALLATIONS LOCATED IN THE 50 CONTIGUOUS STATES, THE DISTRICT OF COLUMBIA, AND CANADA

Secret and Confidential non-cryptographic information or material may be transmitted by any of the following methods:

a. By any method, as applicable and appropriate, set forth in paragraph 2.

b. By United States and Canadian registered mail.

4. WITHIN AND BETWEEN THE 50 CONTIGUOUS STATES AND THE DISTRICT OF COLUMBIA OR WHOLLY WITHIN THE COMMONWEALTH OF PUERTO RICO, OR A UNITED STATES POSSESSION

a. Secret, non-cryptographic information and material may be transmitted by any of the following methods:

(1) By any method, as applicable and appropriate, set forth in paragraphs 1 and 2.

(2) By protective services provided by commercial carriers, air or surface, under conditions approved by the Department Security Officer.

b. Confidential, non-cryptographic information and material may be transmitted by any of the following methods:

(1) By any method prescribed in Subparagraph A for Secret information and material.

(2) By certified United States mail, at the discretion of the sender, depending on the degree of sensitivity of the information involved.

803 TRANSMISSION OF CRYPTOGRAPHIC INFORMATION

The transmission of cryptographic information, in each instance, will be in accordance with specific guidance obtained from the Department Security Officer.

804 METHODS OF TRANSMISSION WITHIN USDA NATIONAL HEADQUARTERS, AN AGENCY, OFFICE OR FIELD OFFICE

1. Hand-delivered by an employee possessing a clearance at least as high as the category of classification of the material involved.
2. Through the internal mail distribution system, in accordance with the procedures approved by the Agency Classified Material Officer.

DISPOSITION OR DESTRUCTION OF CLASSIFIED INFORMATION

901 GENERAL

1. The provisions of this Chapter apply generally to the routine disposition or destruction of classified material. When a particular document contains specific instructions to the contrary, however, those specific instructions shall be followed.
2. When doubt exists as to the propriety of destroying classified material received from another Federal department or agency, the material shall be returned to, or permission to destroy the material obtained from, that department or agency.
3. To prevent an unnecessary accumulation of classified material, all superseded classified documents (except record copies) and all copies of classified documents surplus to the actual needs of the office, agency, or installation will be disposed of or destroyed as rapidly as practicable.
4. All classified material, including waste and reproduction materials containing classified information, shall be safeguarded as prescribed in this Handbook for the specific category of security classification involved until the material is actually disposed of or destroyed.

902 TOP SECRET MATERIAL

Top Secret material (including Top Secret RESTRICTED DATA) shall be disposed of either by returning to the originating office or delivery to the Department Security Officer for destruction.

903 CLASSIFIED CRYPTOGRAPHIC MATERIAL

Material embodying classified cryptographic information shall be disposed of or destroyed by reporting to the Foreign Agricultural Service, Management Services Division.

904 DESTRUCTION OF CLASSIFIED MATERIAL

1. GENERAL

- a. Destruction may be limited to those components or portions of material or equipment which actually incorporate classified information.

- b. Classified information embodied in paper products shall be destroyed by burning (with pulverization of the residue), by pulping, or by shredding or pulverization of the material in an unrecognizable form and beyond reconstruction in whole or in part.
- c. Classified information embodied in material other than paper products shall be destroyed by any method specifically approved by the Department Security Officer as having the capability of completely and permanently rendering the information indistinguishable and incapable of being reconstructed in whole or in part.

2. WITNESSING AND CERTIFYING DESTRUCTION

- a. The requirements of Subparagraph 1b above pertain only to (1) Secret information (including RESTRICTED DATA) generated by any Federal department or agency; and (2) Confidential RESTRICTED DATA, only when the material is "documented" (to show number of pages, series, number of copies, and individual copy number).
- b. Classified material stipulated in Subparagraph A which is eligible for destruction shall be destroyed by at least two persons; all persons participating must possess that appropriate degree of security clearance. At least one of these persons should be a permanent USDA employee who:
 - (1) Has been designated by the Agency Classified Material Control Officer to supervise and witness the destruction;
 - (2) Has been adequately briefed in the pertinent requirements of this Handbook; and
 - (3) Will certify destruction of the material.

CHAPTER 10

SECURITY VIOLATIONS AND COMPROMISE OF CLASSIFIED MATERIAL AND INFORMATION

1001 GENERAL

Classified material and information is vulnerable to compromise whenever its custodian allows himself to become negligent; for example:

1. Failing to properly secure classified material when not under his immediate, continuing control and supervision;
2. Not properly preparing the material for transmission, or improperly transmitting the material within or outside the agency; or
3. Discussing or attempting to "talk around" classified information during telephone conversations or in places where unauthorized persons are present; or
4. Misplacing or otherwise losing control of classified material (including classified waste); or
5. Releasing classified material and information without properly determining the recipient's identity, clearance status, and need-to-know.

1002 EMERGENCY ACTION AND REPORTING REQUIREMENTS

1. Whenever any individual observes that classified material and information is not being afforded the prescribed protection that individual will:
 - a. Immediately take all interim action possible to restore the prescribed security controls over the information or material.
 - b. Report the circumstances promptly to his immediate supervisor or, if not immediately available, directly to the Agency Classified Material Control Officer. Non-USDA personnel having no immediate superior within a USDA agency or office or a component activity will report the circumstances as prescribed by the Agency Classified Material Control Officer.

1. PRELIMINARY ACTION AND INQUIRY

Upon becoming aware that there has been a loss of prescribed security control over classified material and information, the Agency Classified Material Control Officer will take appropriate action to:

- a. Insure that all required security controls over the information or material actually have been fully restored;
- b. Insure that all classified material involved is accounted for by the custodian(s) as expeditiously as possible; whenever Top Secret material is involved, however an inventory will be conducted immediately;
- c. Provide for the immediate change of each locking device combination which may have been subject to compromise;
- d. Conduct promptly a preliminary inquiry to determine if the information or material involved may have been subjected to compromise.

2. ACTION REQUIRED IN EVENT CLASSIFIED MATERIAL AND INFORMATION WAS NOT COMPROMISED

If the preliminary inquiry indicates that information or material was not subjected to compromise, but that a security violation did occur, the Agency Classified Material Control Officer will:

- a. Determine the circumstances surrounding the security violation and the identity of the individual(s) responsible;
- b. Obtain a written account of the violation from the responsible individual(s);
- c. Provide copies of the report containing essential details of the incident to the Department Security Officer;
- d. Take corrective action to eliminate the practice or condition that caused or permitted the security violation.

3. ACTION REQUIRED IN EVENT OF POSSIBLE LOSS OR COMPROMISE OF CLASSIFIED MATERIAL AND INFORMATION

Action by Agency Classified Material Officer. If the preliminary inquiry indicates that classified material is missing or lost, or that classified information has been otherwise subjected to compromise, the Agency Classified Material Control Officer will take every reasonable measure promptly to regain custody of all missing material and restore appropriate security controls and send a report to the Department Security Officer.

1004 ACTION REQUIRED IN EVENT OF POSSIBLE LOSS OR COMPROMISE OF CLASSIFIED NATO INFORMATION

The Department Security Officer, USDA Headquarters, will submit an initial report of the incident to the United States Security Authority for NATO affairs (USSA) and will initiate investigation in accordance with the provisions of USSA instructions.

1005 ACTION REQUIRED IN EVENT OF UNAUTHORIZED DISCLOSURE OF CLASSIFIED MATERIAL AND INFORMATION BY USDA PERSONNEL

Agency heads and staff offices, USDA Headquarters, will assure that prompt and appropriate personnel administrative action is taken whenever any USDA employee is determined to have been knowingly responsible for any release or disclosure of classified information or material except in a manner authorized by statute, protective order or established regulation.

CHAPTER 11

REPORTS TO THE INTERAGENCY CLASSIFICATION REVIEW COMMITTEE

1101 GENERAL

1. The National Security Council (NSC), assisted by the Interagency Classification Review Committee (ICRC), is charged by Executive Order 11652 to monitor compliance with the provisions of the Executive Order and with such supplementing directives as the NSC may promulgate. The functions of the ICRC are to:
 - a. Oversee compliance with the Order and Departmental programming and implementation.
 - b. Prevent improper classification and eliminate unauthorized disclosures.
 - c. Ensure prompt declassification and facilitate public access to declassified material.
 - d. Consider and take action on complaints concerning the general administration of the Order.
 - e. Review appeals from denial of declassification requests by Departmental Review Committees of the Archivist of the United States.
2. The ICRC has issued detailed instructions for various recurring or on-call reports to be submitted by the departments and agencies. This Chapter describes these reporting requirements and establishes internal USDA reporting procedures.

1102 DEPARTMENT RESPONSIBILITY

To comply with ICRC reporting requirements the Department Security Officer (Chairman, Department Review Committee) shall submit four Departmental reports to the ICRC within 30 calendar days from the end of each quarter. These reports shall be compiled based on data furnished to the Department Security Officer by the Classified Material Control Officer of each Agency. The four reports are as follows:

- a. Quarterly Statistical Summary Report (SF324) - This report measures agency effectiveness in limiting the volume of documents being classified and monitors the

appropriate use of the new declassification schedules by reporting the total number of classified documents produced (generated).

- b. Report of Classification Abuses (SF322) - This report provides the ICRC with information concerning individual instances of improper classification and corrective action taken thereon.
- c. Report of Unauthorized Disclosure (SF323) - This report provides the ICRC with information regarding compromise of classified information, actions taken, and an assessment of the significance of the compromise.
- d. Report of Mandatory Declassification Review Requests (SF321) - This report informs the ICRC of all requests received for mandatory declassification reviews and to monitor departmental actions taken pursuant to such requests.

1103 AGENCY RESPONSIBILITY

The head of each agency shall direct the Agency Classified Material Control Officer to submit a report, positive or negative, on a quarterly basis to the Department Security Officer reflecting reportable actions taken from the first day of the quarter through the last day of the quarter. Field offices of the agency shall submit their reports to the Agency Classified Material Control Officer within seven calendar days after the end of each quarter. These reports may be by memoranda or telephone. A consolidated report shall be submitted to the Department Security Officer within 18 calendar days after the end of each quarter and reflect the following information:

- a. Report the number and respective classification of classified documents originated by the agency during a given quarter. Criteria to be utilized for the purpose of counting classified documents are:
 - (1) Count as a document only the official record copy.
 - (2) A multi-page document shall be counted as one document.
 - (3) Electrically transmitted messages shall not be counted.
 - (4) Documents of a temporary nature, such as working papers and drafts, shall not be counted.
 - (5) Documents which become part of other finished documents, such as maps and photographs, shall not be counted.
 - (6) Transmittal letters or memoranda unless they themselves contain classified information shall not be counted.

- (7) Report the overall classification assigned to a document.
- b. Report any instance of improper classification and corrective action taken thereon. A classification abuse is identified as an unnecessary classification, an over or under-classification, failure to assign the proper downgrading and declassification schedule, and improper application of classification markings.
 - c. Report any incident regarding compromise of classified information, actions taken, and an assessment of the significance of the compromise. For the purpose of this report, an unauthorized disclosure of classified information is identified as any compromise of classified information by communications or physical transfer to an unauthorized individual. Any possible compromise of classified information which is subsequently confirmed as an authorized disclosure shall be reported.
 - d. Report any request received for mandatory declassification reviews and subsequent actions taken pursuant to such requests.

APPENDIX A

Title 7 - Agriculture

Subtitle A - Office of the Secretary of Agriculture

PART 10 - CLASSIFICATION AND DECLASSIFICATION OF NATIONAL SECURITY INFORMATION AND MATERIAL

The following regulations are issued pursuant to Executive Order 11652 of March 8, 1972 (37 FR 5209), entitled "Classification and Declassification of National Security Information and Material" and National Security Council Directive of May 17, 1972, implementing that Executive Order.

The Department of Agriculture security regulations have been approved by the Interagency Classification Review Committee; the following parts thereof affecting the public are published as required by the above-cited Executive Order and Directive.

Sec

10.1 Purpose

10.2 Authority to classify

10.3 Department review committee

10.4 Review of classified material for declassification purposes

10.5 Historical research and access by former Government officials

AUTHORITY: The provisions of this Part 10 are issued under Executive Order 11652 (37 FR 5209, Mar. 10, 1972) and National Security Council Directive of May 17, 1972 (37 FR 10053, May 19, 1972).

S. 10.1 Purpose

To set forth those provisions of the U.S. Department of Agriculture Security Regulations to the extent they affect the general public.

S 10.2 Authority to classify

Classifying authority of national security information or material is vested in and only may be exercised by the Secretary of Agriculture.

S 10.3 Department review committee

The Department review committee shall consist of the Department Security Officer, who shall serve as Chairman; the Director of Personnel, who shall serve as Vice Chairman; the General Counsel; the Assistant Secretary for Administration; and the Administrator of the Agency originating a document which has been classified.

S 10.4 Review of classified material for declassification purposes

- (a) Mandatory review of exempted material. All classified information and material originating in the Department of Agriculture after June 1, 1972, which is exempt from the General Declassification Schedule, and classified information originating in the Department of Agriculture prior to June 1, 1972, assigned to Groups 1, 2, or 3 of Executive Order 10501, as amended, shall be subject to a classification review by the originator at any time after the expiration of 10 years from the date or origin provided:
- (1) A department or member of the public requests a review:
 - (2) The request describes the record with sufficient particularity to enable the Department to identify it; and
 - (3) The record can be obtained with only a reasonable amount of effort.
- (b) Systematic reviews. All information and material classified after June 1, 1972, and determined in accordance with Chapter 21, 44 U.S.C. to be sufficient historical or other value to warrant preservation shall be systematically reviewed on a timely basis by each Agency of the Department for the purpose of making such information and material available to the public in accordance with the determination regarding declassification made by the classifier. During each calendar year, each agency shall segregate to the maximum extent possible all such information and material warranting preservation and becoming declassified at or prior to the end of such year. Promptly after the end of such year, the Department or the Archives of the United States if transferred thereto, shall make the declassified information and material available to the public to the extent permitted by law.
- (c) Review for declassification of classified material 10 years old. Members of the public or Departments may direct requests for mandatory review for declassification under Section 5 (c) and (d) of Executive Order 11652 (hereafter referred to as the Order) to

the Department Security Officer, Office of Personnel, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250. The Security Officer shall in turn assign the request to the appropriate Agency Head for action. In addition, the Security Officer or the Agency which has been assigned action shall immediately acknowledge receipt of the request in writing. If the request requires the rendering of services for which fair and equitable fees should be charged pursuant to 31 U.S.C. 483a the requester shall be so notified. The Agency which has been assigned action shall thereafter make a determination within 30 days of receipt or shall explain the reasons why further time is necessary. If at the end of 60 days from receipt of the request for review no determination has been made, the requester may apply to the Department review committee for a determination. Should the Agency assigned action on a request for review determine that under the criteria set forth in Section 5(B) of the Order a continued classification is required, the requester shall promptly be notified, and whenever possible, provided with a brief statement as to why the requested information or material cannot be declassified. The requester may appeal any such determination to the Department review committee and the notice of determination shall advise him of this right.

(d) Appeals to the Department review committee for declassification.

The Department review committee shall establish procedures to review and act within 30 days upon all applications and appeals regarding requests for declassification. The review committee is authorized to overrule previous determinations in whole or in part when, in its judgment, continued protection is no longer required. If the committee determines that continued classification is required under the criteria of Section 5(B) of the Order it shall promptly so notify the requester and advise him that he may appeal the denial to the Interagency Classification Review Committee.

(e) Review of classified material over 30 years old. A request by a member of the public or by a Department, to review for declassification, documents more than 30 years old, shall be referred directly to the Archivist of the United States and he shall have the requested documents reviewed for declassification. If the information or material requested has not been transferred to the General Services Administration for accession into the Archives the Archivist shall together with the Secretary of Agriculture, have the requested documents reviewed for declassification. Classification shall be continued in either case only where the Secretary of Agriculture makes at that time the personal determination required by Section 5(E) (1) of the Order. The Archivist shall promptly notify the requester of such determination and of his right to appeal the denial to the Interagency Classification Review Committee.

(f) Burden of proof for administrative determinations. For purposes of administrative determinations under paragraphs (c), (d), or (e) of this Section, the burden of proof is on the originating Agency to show that continued classification is warranted within the terms of the Order.

(g) Availability of declassified material. Upon a determination, paragraphs (c), (d), or (e) of this Section, that the requested material no longer warrants classification, it shall be declassified and made promptly available to the requester, if not otherwise exempt from disclosure under Section 552(b) of Title 5 U.S.C. (Freedom of Information Act) or other provision of law. As required by Section 5(C) of the Order, a request for classification review must describe the document with sufficient particularity to enable the Department to identify with a reasonable amount of effort. Whenever a request is deficient in its description of the record sought, the requester should be asked to provide additional identifying information whenever possible. Before denying a request on the grounds that it is unduly burdensome, the requester should be asked to limit his request to records that are reasonably obtainable. If none-the-less the requester does not describe the records sought with sufficient particularity, or the record requested cannot be obtained with a reasonable amount of effort, the requester shall be notified of the reasons why no action will be taken and of his right to appeal such decision.

S 10.5 Historical research and access by former Government officials

(a) Upon written request, persons outside the executive branch engaged in historical research projects or persons who have previously occupied policymaking positions to which they were appointed by the President, other than those referred to in Section 11 of the Order, may have access to classified national security information if the Secretary:

(1) Determines that access is clearly consistent with the interests of national security; and

(2) Takes appropriate steps to assure that classified information or material is not published or otherwise compromised.

Access granted a person by reason of his having previously occupied a policymaking position shall be limited to those papers which the former official originated, reviewed, signed, or received while in public office.

(b) Every applicant for access shall, beforehand, agree in writing to the following:

- (1) That he will protect any classified information made available to him in accordance with provisions of the Order.
- (2) To review of his notes and manuscript for the sole purpose of determining that no classified information or material is contained therein.

These regulations are effective June 1, 1972.

Dated: December 15, 1972.

FRANK B. ELLIOTT,
Assistant Secretary
for Administration.

(FR Doc. 73-344 Filed 1-5-73; 8:45 am)

APPENDIX B

Title 18 of the United States Code (Criminal Code)

Section 793 - Gathering, Transmitting, or Losing

CLASSIFIED INFORMATION

- a. Whoever, for the purpose of obtaining information respecting the national security with intent or reason to believe that the information is to be used to the injury of the United States, willfully communicates, delivers, transmits, or causes or attempts to communicate, deliver, or transmit classified information to any person not entitled to receive it, or willfully retains classified information and fails to deliver it on demand to the office or employee of the United States entitled to receive it, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.
- b. Whoever being entrusted with or having lawful possession or control of material or information relating to the national security, through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.
- c. Whoever has knowledge that classified material or information has been illegally removed from its proper place of custody or delivered to anyone in violation of his trust, or lost, or stolen, abstracted, or destroyed, and fails to make prompt report of such loss, theft, abstraction, or destruction, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

Section 798 - Disclosure of Classified Information

Whoever knowingly and willfully communicates, furnishes, transmits or otherwise makes available to an unauthorized person, publishes, or uses in any manner prejudicial to the security of the United States or for the benefit of any foreign government, classified material or information shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

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